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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/251,403	02/17/1999	MASAHITO NIIKAWA	013227-049	3197

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EXAMINER	
FLETCHER, JAMES A	

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/251,403	Applicant(s) NIIKAWA ET AL.
	Examiner James A. Fletcher	Art Unit 2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *14-18* is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ichimura (6,188,831).

Regarding claims 1 and 4, Ichimura discloses an image processing device and method for processing images which are recorded in a recording medium (Col 5, lines 23-26 "the data storage apparatus includes a compression device for reading and compressing the time-series data which is stored") comprising:

- an indicator which commands a processing to be executed for the image (Col 13, lines 61-63 "a compression trigger timing signal that is the impetus for starting the...compression of the image data");
- a controller which sets up rank data in accordance with the processing commanded by the indicator (Col 18, lines 52-55 "data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]");

- a deletion directional member which directs to delete the image recorded in the image recording medium (Col 18, lines 52-57 "data...are compressed...so as to form empty capacity in the memory of the time-series data storing section");
- a compressor which compresses the image based on the data when the deletion directional member directs to delete the image (Col 18, lines 52-55 "data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]"); and
- a recorder which stores the compressed image (Col 18, lines 56-57 "Time-series data storing section").

Applicant's representative has argued, "Nothing in Ichimura shows, teaches or suggests setting up rank data in accordance with processing to be executed for an image as claimed in claims 1 and 4. Rather, Ichimura merely discloses compressing an image based upon when a user-input data was input as the important interval."

The examiner respectfully disagrees. Ichimura bases their compression trigger on the level of importance based on a criterion such as elapsed time since the data was stored, as noted in the quoted passage in the rejection.

Regarding claim 2, Ichimura discloses an image processing device wherein the compressor alters a compression rate of the image based on the data (Col 5, lines 28-30 "the time-series data in other intervals are compressed by a different compression rate or a compression system based on the correspondence-relationship").

Regarding claim 3, Ichimura discloses an image processing device wherein the data is evaluation value for the image (Col 18, lines 52-55 "data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]").

Regarding claims 5, 8, 10, and 12, Ichimura discloses a device and method for processing images which are recorded in a recording medium comprising:

- an indicator which commands a processing to be executed for the image (Col 19, lines 17-18 "the compression process start request is generated");
- a recorder which records a time when the indicator commands a processing (Col 17, lines 50 "The time data storing section");
- a timer which measures an elapsed time since the time (Col 17, lines 61-66 "the time data storing section outputs the compression start command...after the audio data and the image data have been recorded in the time-series data storing section has reached a preset time"); and
- a controller which changes a compression rate, which is set in accordance with an evaluation value for the image based on an output from the timer (Col 18, lines 52-55 "data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]" and Col 24, lines 33-38 "during compression of the image data...the compression ratio...is dynamically changed").

Regarding claim 6, Ichimura discloses an image processing device comprising:

- a detector which detects that the indicator gives no command for a predetermined time or more based on the output from the timer (Col 17, lines 61-66 "the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time"); and
- the controller which controls so as to increase the compression rate based on the output from the detector (Col 24, lines 33-38 "during compression of the image data...the compression ratio...is dynamically changed").

Regarding claim 7, Ichimura discloses an image processing device wherein the controller sets up lower evaluation value for the image when the indicator gives no command for a predetermined time or more based on the output from the timer (Col 17, lines 61-66 "the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time").

Regarding claim 9, Ichimura discloses an image processing method further comprising a step of setting up a higher compression rate when it is detected that no command is given for a predetermined time or more (Col 17, lines 61-66 "the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time" and Col 24, lines 33-38 "during compression of the image data...the compression ratio...is dynamically changed").

Regarding claims 11 and 13, Ichimura discloses an image processing method and device wherein the evaluation value is set up in accordance with the command from the indicator (Col 17, lines 61-66 "the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time").

Allowable Subject Matter

4. Claims 14-18 are allowed for the reasons of record.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
August 4, 2003

VINCENT BOCCIO
PRIMARY EXAMINER